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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Frederick A. Parker

Examiner Ramesh Krishnamurthy

Serial No. 10/681,748

Art Unit 3753

Filed: October 9, 2003

For: FLUID CONTROL SYSTEM FOR PRECISELY CONTROLLING
A FLOW OF FLUID

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief in the above-identified application directed to the Examiner's Answer mailed May 14, 2007.

At pages 6 and 7 of the Examiner's Answer, the Examiner in paragraph 10 provides a section entitled "Response to Argument". In this response, the Examiner seeks to convert the pressure regulator 420 of Balazy et al (US 6,152,162) (hereinafter Balazy or Balazy et al) into a "control valve." The Examiner states:

Balazy et al clearly states that the controller (405) "continuously adjusts (as required)" valve (420)...."

Col. 9, lines 56-61 of Balazy reads as follows:

Electronics module 405, in turn, continuously monitors the input data and continuously adjusts (as required) pressure regulator 420 to insure that the actual flow through the system precisely corresponds to that desired. (Emphasis added.)

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Balazy never characterizes his pressure regulator 420 as a "valve" as the Examiner seeks to do in his "Response to Argument" section.

Furthermore, Figs. 1 and 3 of Balazy do show solenoid valves: shutoff valve 30 in Fig. 1 which is full opened or full closed in Fig. 1, but control is by ways of pressure regulator 20 and the control thereabove is discussed at col. 4, lines 25 - 60. In general, the pressure differential across the flow restrictor is measured, and the pressure regulator 20 upstream of the flow restrictor is regulated. The control valve or "shut off valve 30" is merely an "on/off" unit. In Fig. 3, a valve 130 operates to bypass the flow restrictor 128. Note that the pressure regulator 120 regulates the flow pressure through the unit, and hence the shutoff valve 130 does not operate in the manner inferred by the Examiner. In short, the Examiner's reference to Fig. 3 and the use of the term "valve" in that Balazy discussion of embodiment is a "red herring" and has no bearing whatsoever on the Examiner's effort to convert Balazy's pressure regulator 420 into a valve which is pulsed at a frequency by a signal to obtain a preset target of pressure across the flow restrictor.

The Examiner states:

Balazy et al does not explicitly state that a flow control valve cannot be used for the purpose of flow regulation as set forth in their invention. (Emphasis added.)

What this statement has to do with the point of whether or not a valid §102 anticipation rejection has been made is not clear. The

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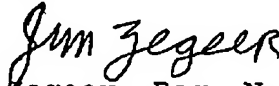
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Examiner's argument simply does not amount to much against the words of Balazy's specification reading:

The present invention features a method and system for controlling the rate of fluid, and particularly gas, flow which uses pressure regulation rather than a control valve. (Balazy specification, sentence bridging cols. 1 and 2, emphasis added.)

The Examiner has clearly erred and should be reversed.

Respectfully submitted,



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Date: July 16, 2007

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

CERTIFICATE OF TRANSMISSION/MAILING

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Jim Zegeer

Date: July 16, 2007